107. (Once Amended) The apparatus of claim 60, wherein the unknown party is an intelligent agent, and wherein the identification module is configured to scan program code for the unknown party to determine attributes thereof.

REMARKS

This paper is submitted in reply to the Office Action dated August 5, 2002, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, all pending claims (claims 54-63 and 104-112) were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,553,145 to Micali.[1]

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have amended claims 104, 106, and 107 to correct an error in the dependency of the claims. Moreover, the Specification has been amended to update the status of the cross-referenced applications. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed. Attached hereto is a copy of the currently pending claims including a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made."

Turning first to the rejection of independent claim 54, this claim recites a method of identifying an unknown party interacting with an intelligent agent. The method includes determining at least one attribute related to the unknown party, comparing the

[1] The specific rejection refers to U.S. Patent No. 5,550,145 to Micalli. Applicants assume, however that this reference was incorrect, as the cited patent number is for a patent for an antimicrobial composition, and as the Examiner's 892 Form refers to a U.S. Patent No. 5,553,145 to Micali. If Applicants' understanding is incorrect, Applicants request that the Examiner note this in the Examiner's next communication.

attribute for the unknown party with the attributes related to a plurality of known parties, and identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party.

Micali, on the other hand, discloses various electronic communications methods for ensuring the delivery of a message from a first party to a second party. The passages cited by the Examiner, most notably the Abstract, Figs. 1 and 2, column 4, lines 4-34, and column 5, lines 3-46, disclose only the use of an intermediate trusted party to provide verification of the receipt of a message sent from a first party to a second party via the trusted party. Precisely how this reference applies to Applicants' specifically-claimed method of identifying an unknown party, however, is unclear, as the Examiner has neglected to apply the teachings of the reference to the specific language in claim 54.

Nonetheless, from a review of the reference, Applicants can find no disclosure in the reference of any method of identifying an unknown party that is interacting with an intelligent agent. In fact, the only disclosure Applicants can find in the reference relating to the identity of a party refers to the temporary withholding of the identity of a sending party from a receiving party until the receiving party transmits to a trusted party a return receipt indicating that a transmission has been received from the trusted party. (See, e.g., column 4, lines 11-25). Applicants can find no reference, however, of any disclosure in the reference of any method of identifying an unknown party interacting with an intelligent agent.

Given, also, that there is no method of identifying an unknown party disclosed in Micali, Applicants respectfully submit that the reference also does not disclose any of the steps of determining an attribute related to an unknown party, comparing that attribute with attributes related to a plurality of known parties, and identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party. Accordingly, claim 54 is novel over Micali.

Moreover, claim 54 is non-obvious over Micali, as there is no suggestion in the reference to incorporate any of the features recited in claim 54 into the electronic

communications system disclosed in the reference. In the least, the Examiner has failed to provide any evidence of a motivation to modify Micali in this manner, as would be required to sustain an obviousness rejection.

Accordingly, Applicants respectfully submit that claim 54 is patentable over Micali and the other prior art of record. Reconsideration and allowance of claim 54, as well as of claims 55-59 which depend therefrom, are therefore respectfully requested.

Next, with regard to independent claims 60 and 61, each of these claims likewise recites the identification of an unknown party interacting with an intelligent agent through the comparison of attributes determined for an unknown party with attributes related to a plurality of known parties. Claims 60 and 61 are therefore novel and non-obvious over Micali and the other prior art of record for the same reasons as presented above for claim 54. Reconsideration and allowance of these claims, as well as of claims 62-63 and 104-112 which depend therefrom, are therefore respectfully requested.

As a final matter, Applicants respectfully traverse the Examiner's rejections of the dependent claims based upon their dependency on the aforementioned independent claims. In the interest of prosecutorial economy, the rejections of these dependent claims will therefore not be discussed separately. However, Applicants do note for the record that the Examiner has failed to apply the prior art of record to the specific features in each of these claims, and thus the Examiner's rejections of these claims are deficient on their face. Moreover, a number of the features recited in these claims define additional patentable subject matter over Micali, and as such, a number of these claims are additionally patentable based upon the specific features recited in these claims.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits

are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

5 NOV 2002
Date

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Official

Version with Markings to Show Changes Made

Specification

The first paragraph of the Specification under the section entitled "Cross-reference to Related Applications" has been amended at page 1 as follows:

(Twice Amended) This application is a divisional application of U.S. Serial No. 08/821,935, filed on March 21, 1997 by Bigus et al., entitled "INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD OF NEGOTIATION THEREWITH[.]," (issued as U.S. Patent No. 6,401,080). This application is also related to the following U.S. Patent Applications, all of which were filed by Bigus et al.: U.S. Serial No. 08/822,119 filed on March 21, 1997 and entitled "APPARATUS AND METHOD FOR COMMUNICATING BETWEEN AN INTELLIGENT AGENT AND CLIENT COMPUTER PROCESS USING DISGUISED MESSAGES," (issued as U.S. Patent No. 6,085,178); U.S. Serial No. 08/826,107 filed on March 21, 1997 and entitled "APPARATUS AND METHOD FOR OPTIMIZING THE PERFORMANCE OF COMPUTER TASKS USING MULTIPLE INTELLIGENT AGENTS HAVING VARIED DEGREES OF DOMAIN KNOWLEDGE," (issued as U.S. Patent No. 6192,354); and U.S. Serial No. 09/100,595, filed on June 19, 1998 and entitled "OPTIMIZING THE PERFORMANCE OF COMPUTER TASKS USING INTELLIGENT AGENT WITH MULTIPLE PROGRAM MODULES HAVING VARIED DEGREES OF DOMAIN KNOWLEDGE" (which is a divisional of U.S. Serial No. 08/822,993 filed on March 21, 1997 and entitled "APPARATUS AND METHOD FOR OPTIMIZING THE

PERFORMANCE OF COMPUTER TASKS USING INTELLIGENT AGENT WITH MULTIPLE PROGRAM MODULES HAVING VARIED DEGREES OF DOMAIN KNOWLEDGE" (now abandoned)). The disclosures of all of these applications are hereby incorporated by reference herein.

Claims

Claims 104, 106, and 107 have been amended as outlined below. The currently pending claims, including the aforementioned amendments, are as follows:

1. - 53. (Canceled)

54. A method of identifying an unknown party interacting with an intelligent agent, the method comprising the steps of:

(a) determining at least one attribute related to the unknown party;

(b) comparing the attribute for the unknown party with attributes related to a plurality of known parties; and

(c) identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party.

55. The method of claim 54, wherein the determining step determines a plurality of attributes related to the unknown party, and wherein the comparing step compares the plurality of attributes for the unknown party with those of the plurality of known parties.

56. The method of claim 55, wherein the comparing step includes the step of accessing a database including a plurality of records, each record associated with a known party and including the plurality of attributes related thereto.

57. The method of claim 55, wherein each of the plurality of attributes has a weighting factor associated therewith, wherein the comparing step calculates an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and wherein the identifying step identifies the unknown party as the known party with the largest accumulated weighting factor.

58. The method of claim 55, wherein the unknown party is an intelligent agent configured to conduct electronic transactions, and wherein the plurality of attributes is selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, a location or name of a source with which the unknown party communicates, and combinations thereof.

59. The method of claim 55, wherein the unknown party is an intelligent agent, and wherein the determining step includes the step of scanning program code for the unknown party to determine attributes thereof.

60. An apparatus for identifying an unknown party interacting with an intelligent agent, comprising:

(a) a database including a plurality of records, each record associated with a known party and including the plurality of attributes related thereto; and

(b) an identification module, coupled to the database, the identification module configured to compare a plurality of attributes for the unknown party with those of each known party and to identify the unknown party as the known party having the attributes which most closely match those of the unknown party.

61. A program product comprising:

(a) a program configured to perform a method of identifying an unknown party interacting with an intelligent agent, the method comprising the steps of:

(1) determining at least one attribute related to the unknown party;

(2) comparing the attribute for the unknown party with attributes related to a plurality of known parties; and

(3) identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party; and

(b) a signal bearing media bearing the program.

62. The program product of claim 61, wherein the signal bearing media is transmission type media.

63. The program product of claim 61, wherein the signal bearing media is recordable media.

64. - 103. (Canceled)

104. (Once Amended) The apparatus of claim [54] 60, wherein each of the plurality of attributes has a weighting factor associated therewith.

105. (Added) The apparatus of claim 104, wherein the identification module is configured to calculate an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and to identify the unknown party as the known party with the largest accumulated weighting factor.

106. (Once Amendeed) The apparatus of claim [54] 60, wherein the unknown party is an intelligent agent configured to conduct electronic transactions, and wherein the plurality of attributes are selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, a location or name of a source with which the unknown party communicates, and combinations thereof.

107. (Once Amended) The apparatus of claim [54] 60, wherein the unknown party is an intelligent agent, and wherein the identification module is configured to scan program code for the unknown party to determine attributes thereof.

108. (Added) The program product of claim 61, wherein the program is configured to determine a plurality of attributes related to the unknown party, and to compare the plurality of attributes for the unknown party with those of the plurality of known parties.

109. (Added) The program product of claim 108, wherein the program is configured to access a database including a plurality of records, each record associated with a known party and including the plurality of attributes related thereto.

110. (Added) The program product of claim 108, wherein each of the plurality of attributes has a weighting factor associated therewith, wherein the program is configured to calculate an accumulated weighting factor for each known party by summing the weighting factors of the attributes of the known party which match those of the unknown party, and to identify the unknown party as the known party with the largest accumulated weighting factor.

111. (Added) The program product of claim 108, wherein the unknown party is an intelligent agent configured to conduct electronic transactions, and wherein the plurality

of attributes are selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a homebase location, an agent program name, a location or name of a source with which the unknown party communicates, and combinations thereof.

112. (Added) The program product of claim 108, wherein the unknown party is an intelligent agent, and wherein the program is configured to scan program code for the unknown party to determine attributes thereof.